

REMARKS

Claims 1, 6 and 7 remain pending in the present application. The claims have not been amended in response to the above referenced patent application.

Rejections Under 35 U.S.C. § 102

Claims 1 and 6-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Postema et al. (U.S. Patent No. 4,139,186).

Applicant respectfully traverses this rejection by the Examiner. Applicant has reviewed the Examiner's description of the Postema et al. reference and believes that the Examiner's interpretation of Postema et al. in view of the pending claims is incorrect.

The Examiner defines the following elements of the Applicants' invention.

A closed pressure tube 1 having an inner wall which forms a sealed working chamber. Applicants agree with this interpretation of the pressure tube 1.

A piston 3 disposed within the working chamber, the piston slidingly engaging the pressure tube to divide a first portion of the working chamber into an upper working chamber 6 and a lower working chamber 7. Applicants agree with this interpretation of the piston.

A first flow path 2 extending through the piston to provide communication between the upper working chamber and the lower working chamber. Applicants agree with this interpretation of the first flow path.

A valve body disposed within the working chamber to define a fluid chamber 9 located in a second portion of the working chamber, the valve body being fixedly secured to this pressure tube. The fluid chamber 9 defined by the Examiner is not in a second portion of the working chamber. The fluid chamber 9 is the reserve chamber of the shock absorber and it is not defined as the working chamber. The working chamber in Claim 1 is defined by an inner wall of the closed pressure tube. Fluid chamber 9 defined by the Examiner is not a portion of the working chamber because it is not defined by an inner wall of the closed pressure tube. Chamber 9 is defined by the outside wall of the pressure tube and the inside wall of the reserve tube.

A second flow path 8 extending through the valve body to provide communication between the lower working chamber and the fluid chamber with the second fluid path being continuously open. Applicant agrees that the continuously open fluid path extends through the valve body but it does not provide communication between the lower working chamber and a fluid chamber located in a second portion of the working chamber.

Thus, Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 6 and 7, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record.

Reconsideration of the rejection is respectfully requested.

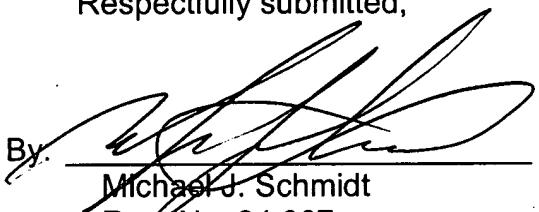
Conclusion

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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